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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|--------------------------|------------------|
| 09/988,965 | 11/19/2001 | Hironori Ochiai | FUJM 19.166 | 3396 |
| 26304 | 7590 | 08/11/2006 | EXAMINER | |
| KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585 | | | LEE, ANDREW CHUNG CHEUNG | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2616 | |

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|-----------------|---------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/988,965 | OCHIAI ET AL. |
| | Examiner | Art Unit |
| | Andrew C. Lee | 2616 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 01 May 2006.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-11 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 1-9 and 11 is/are allowed.

6) Claim(s) 10 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892) ✓
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukushima et al. (US 6049524) in view of Bunch (US 6198722 B1).

Regarding claim 10, Fukushima et al. disclose the limitation of a router (recited “router device” as router; Fig. 1, column 5, lines 36 – 43), comprising: means for reporting a change in information on a router involving a particular adjacent router to adjacent routers other than said particular adjacent router when information on a route has not been received from said particular adjacent router for at least a predetermined period of time (recited “information about router ID's, the identity of the networks to which the routers with those ID's are connection, and link-state data base the configuration of the network system from its contents” as means for reporting a change in information on a router involving a particular adjacent router to adjacent routers other than said particular adjacent router when information on a route has not been received from said particular adjacent router for at least a predetermined period of time; column 6, lines 28 – 46); Fukushima et al. do not disclose explicitly means for transmitting a message to adjacent router to inform said adjacent router is temporarily halted when a process relating to routing including a transmission of said information on a route of said

router is temporarily halted; and means for temporarily halting a process to report a change in information on a route involving a particular adjacent router to a adjacent routers other than said particular adjacent router when said message is received from said particular adjacent router even if information on a rout has not been received from said particular adjacent router for a least a predetermined period of time. Bunch discloses the limitation of means for transmitting a message to adjacent router to inform said adjacent router is temporarily halted when a process relating to routing including a transmission of said information on a route of said router is temporarily halted (recited "Flow control halt" as means for transmitting a message to adjacent router to inform said adjacent router is temporarily halted; Fig. 9, element 740, column 15, lines 32 – 36, column 18, lines 33 – 39); and means for temporarily halting a process to report a change in information on a route involving a particular adjacent router to a adjacent routers other than said particular adjacent router when said message is received from said particular adjacent router even if information on a rout has not been received from said particular adjacent router for a least a predetermined period of time (column 8, lines 32 – 43). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fukushima et al. to include means for transmitting a message to adjacent router to inform said adjacent router is temporarily halted when a process relating to routing including a transmission of said information on a route of said router is temporarily halted; and means for temporarily halting a process to report a change in information on a route involving a particular adjacent router to a adjacent routers other than said particular adjacent router when said message is received from

said particular adjacent router even if information on a rout has not been received from said particular adjacent router for a least a predetermined period of time such as that taught by Bunch in order to provide a flow control method and apparatus that can be added to existing networks without disruptively interfacing with exiting network protocols or operations (as suggested by Bunch, see column 1, lines 10 – 12).

Allowable Subject Matter

3. Claims 1, 5, 11 are allowed over prior art.

The following is an examiner's statement of reasons for allowance:

Regarding claim 1, the prior art fails to disclose expressly "temporary-halt-start-informing unit for transmitting a temporary-start notification message indicating a start of a temporary halt to adjacent routers in the event of said temporary halt; and a temporary-halt recovery-informing unit for transmitting a temporary-halt-recovery notification message indicating a recovery from a temporary halt to adjacent routers in the event of said recovery from said temporary halt, wherein, said temporary halt temporarily halts a process relating to routing including a transmission of said information on a route, and said recovery restarts the process relating to routing including a transmission of said information on a route".

Regarding claim 5, the prior art fails to disclose expressly "a temporary-halt-start-notification-receiving unit for receiving a temporary-halt-start-notification message indicating a start of a temporary halt of an adjacent router from said adjacent router in the event of said temporary halt; a route-information-temporarily-locking unit for

requesting said route-information-change-reporting unit to temporarily lock a process to report a change in information on a route involving a particular adjacent router to adjacent routers other than said particular adjacent router when a temporary-halt-start notification message indicating a start of a temporary halt of a process relating to routing including a transmission of said information on a route of said particular adjacent router is received from said particular adjacent router; a temporary-halt-recovery-notification-receiving unit for receiving a temporary-halt-recovery notification message indicating a recovery from a temporary halt of an adjacent router from said adjacent router in the event of said recovery from said temporary halt; and a route-information-temporary-lock-ending unit for requesting said route-information-change-reporting unit to end a state to temporary lock the process to report a change in information on a route involving a particular adjacent router to adjacent routers other than said particular adjacent router when a temporary-halt-recovery notification message indicating a recovery from a temporary halt of said particular adjacent router is received from said particular adjacent router".

Regarding claim 11, the prior art fails to disclose expressly "having any one of said routers, which is adjacent to a temporarily halted one of said routers, lock a state of reporting no change in information on a route involving said temporarily halted router to any adjacent one of said routers, which is other than said temporarily halted router, when receiving a temporary-halt-start notification message indicating a start of a temporary halt from said temporarily halted router even if receiving no information on a route from said temporarily halted router for a predetermined period of time; and having any one of said routers, which is adjacent

to a temporarily halted one of said routers, resume a monitoring operation of reporting a change in information on a route involving said temporarily halted router to any adjacent one of said routers, which is other than said temporarily halted router, when receiving a temporary-halt-recovery notification message indicating a recovery from a temporary halt from said temporarily halted router or when receiving no information on a route from said temporarily halted router for a predetermined period of time.

Additionally, all of the further limitations in claims 2, 3, 4, 6, 7, 8, 9 are allowable since the claims are dependent upon the independent claims 1 and 5, respectively.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

4. Applicant's arguments filed on 5/01/2006 with respect to claims 1 - 11 have been fully considered but they are not persuasive..

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571) 272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ACL

Aug 05, 2006



RICKY Q. NGO
SUPERVISORY PATENT EXAMINER